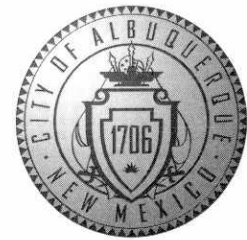


CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

November 10, 2017

Project# 1001440

17EPC-40053 Site Development Plan for Building Permit

Tierra West, LLC
5571 Midway Park Pl. NE
ABQ, NM 87109

LEGAL DESCRIPTION:

The above action for all or a portion of Tract D-3A, Coors Central North, zoned SU-1 for Planned Industrial Park, located on the northeast corner of Coors Blvd. NW and Avalon Rd. NW, containing approximately 0.6 acre. (K-10)

Staff Planner: Cheryl Somerfeldt

On November 9, 2017 the Environmental Planning Commission (EPC) voted to APPROVE Project 1001440/17EPC-40053, a Site Development Plan for Building Permit, based on the following Findings and Conditions:

Albuquerque
PO Box 1293
NM 87103
www.cabq.gov

FINDINGS:

1. This is a request for a Site Development Plan for Building Permit for all or a portion of Tract D-3A, Coors Central North located at the northeast corner of Coors Blvd. NW and Avalon Rd. NW and containing approximately 0.6 acres.
2. The purpose of the request is to construct a single-story 3,082 square foot building with the northern tenant space holding a Pizza Hut with delivery/carry-out service, and the second unassigned tenant space holding a future restaurant with a drive-up service window.
3. The subject site is zoned SU-1 for Planned Industrial Park (IP uses). Retail or restaurant is a permitted use. A drive-up service window is a conditional use in the IP zone; therefore, the applicant has a concurrent application for a Conditional Use Permit from the Zoning Hearing Examiner (ZHE) for the proposed drive-up service window, which must be approved prior to implementing the proposed project as designed.
4. The applicant has a concurrent application for a Variance from the Zoning Hearing Examiner (ZHE) from the 20-foot required landscape buffer between an industrial zone and a residential zone within the Atrisco Business Park Master Development Plan, which must be approved prior to implementing the project as designed.

OFFICIAL NOTICE OF DECISION

Project #1001440

November 9, 2017

Page 2 of 8

5. This subject site falls within an Area of Change designated by the Comprehensive Plan, within the Atrisco Park Community of the West Side Strategic Plan, within the Coors Corridor Plan boundaries, and within the Atrisco Business Park Master Plan boundaries and subject to these development standards.
6. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan, the Coors Corridor Plan, the Atrisco Business Park Master Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. Section 14-16-3-11 of the Zoning Code states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." The attached site development plan has been evaluated for conformance with applicable goals and policies in the Comprehensive Plan, and other applicable Plans.
8. The subject site is located in an Area of Change as designated by the Comprehensive Plan. Areas of Change are intended to be the focus of urban-scale development that benefits job growth and housing opportunities. Applicable policies include:
 - a. The request furthers Policy 5.1.2 because the request would result in development of two fast-food restaurants in a Major Transit Corridor that meet applicable regulations including those in the Zoning Code and the Atrisco Business Park Master Plan Development Standards; and therefore appropriate in scale and density for the area and providing additional local services.
 - b. The request furthers Goal 5.3 because the subject site is in an area that has seen an increased amount of development, and has access to a full range of urban services including water and sewer, electrical service, paved roads, and provision of emergency response services. The subject site is in the middle of established existing vehicular, transit, bicycle, and pedestrian infrastructure, which will make it accessible to local and outside residents.
 - c. The request furthers Policy 5.6.2 because the growth resulting from the request would be near the Central / Unser Community Activity Center and adjacent to a Major Transit Corridor, where change is generally encouraged. Major Transit Corridors are intended to be transit and pedestrian-oriented near transit stops, while auto-oriented along much of the corridor. The proposed use would be auto-oriented but would be accessible by pedestrians from Coors Boulevard NW and Camino Azul NW.
9. The subject site is located in the Atrisco Park community of the West Side Strategic Plan (Rank 2 Area Plan) and furthers the West Side Strategic Plan because the request is adding retail and office development to an existing shopping center in that community. Additional applicable policies include:
 - a. The request furthers WSSP Policy 3.33 because the subject site is located within the Atrisco Park Community and is therefore an appropriate location for growth and an efficient location for receiving City services.
 - b. The request furthers WSSP Policy 3.38 because the proposed building would be located in the vicinity of the Coors Boulevard and Central Avenue intersection – in the northwest quadrant - and will therefore provide additional services to local residents and employers.

OFFICIAL NOTICE OF DECISION

Project #1001440

November 9, 2017

Page 3 of 8

10. The subject site lies within the boundaries of the Coors Corridor Sector Development Plan (CCSDP), a Rank 3 Sector Plan, adopted in 1984 and amended in 1989, 1995, and 2003. Applicable policies and regulations include:
 - a. The request furthers Issue 1 Policy 6 because the public right-of-way on Coors shall be planted with street trees and drought tolerant shrubs.
 - b. The request furthers Issue 3 Policy 5 because the request is to develop a vacant property on Coors Boulevard NW therefore increasing the density which is more compatible with the roadway function, existing zoning, and recommended land use while meeting the majority of design guidelines.
 - c. The request complies with Issue 4b Policy 5B Design regulation 1 because the proposed landscaping around the parking lot area consists of shade trees, shrubs and grasses and fulfills the requirement.
 - d. The request furthers Issue 4b Policy 7 because a separate pedestrian connection from the sidewalk along Coors Boulevard NW to the building is proposed.
 - e. The request complies with Issue 4b Policy 10A Design Guidelines because the proposed building is a not a franchise design. The proposed colors are compatible with the natural and built visual environment.
 - f. The request furthers Issue 4b Policy 3 because the front street yard along Coors Boulevard NW will be landscaped.
 - g. The proposal does not further Issue 4b Policy 5 because the off-street parking is not located to the rear of the site. The street frontage is devoted to parking and not the building.
11. If the Variance and/or the Conditional Use Permit are not approved by the Zoning Hearing Examiner (ZHE), this Site Development Plan for Building Permit shall meet all applicable regulations prior to being approved by the Development Review Board (DRB).
12. The Los Volcanes Neighborhood Association, South West Alliance of Neighborhoods (SWAN Coalition), West Mesa Neighborhood Association, and the Westside Coalition of Neighborhood Associations were notified of the request, as well as property owners within 100-feet of the subject site. A facilitated meeting was not requested nor held, and staff has not received any comments in support or opposition to the request.

OFFICIAL NOTICE OF DECISION

Project #1001440

November 9, 2017

Page 4 of 8

CONDITIONS OF APPROVAL

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. If the Variance and/or the Conditional Use Permit are not approved by the Zoning Hearing Examiner (ZHE), this Site Development Plan for Building Permit shall meet all applicable regulations and shall be revised to reflect the requirements prior to sign-off by the Development Review Board (DRB). If the requirements cannot be met, the application shall be withdrawn.
4. Signage shall be pursuant to the Atrisco Business Park Signage Standards.
5. The Landscape Plan shall state the correct building square footage of 3082 square feet under Site Area Calculations.
6. Per Zoning Code 14-16-3-10 (E) (3), the Landscape Plan shall add "Vegetative Coverage Required (75%)" and "Vegetative Coverage Provided" calculations.
7. The Landscape Plan shall move shrubs from the western landscape strip to the front landscape strip where they will be more visible pursuant to the Atrisco Business Park Master Plan, Screening/Walls and Fences (page 4 of 10), which states that parking areas shall be screened with a minimum height of 4 feet.
8. The Landscape Plan shall replace the Pineleaf Penstemon with another shrub due to incompatibility with the City drought climate.
9. The Landscape Plan shall add one tree to the landscape strip on the southern property line. Per 14-16-3-10 (F) (1) (b) which states that no parking space may be more than 100-feet from a tree trunk, therefore, there needs to be at least one tree planted in the southern landscape strip.
10. The Landscape Plan shall rotate the plant schedule to be right-side up on for ease in going through the DRB process.
11. The shared access agreement with the adjacent property to the south shall be provided and recorded.
12. Conditions of Approval from the Transportation Development Department:
 - Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB).
 - Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.

OFFICIAL NOTICE OF DECISION

Project #1001440

November 9, 2017

Page 5 of 8

The following comments need to be addressed prior to DRB:

- One-way vehicular paths require pavement directional signage and a posted "Do Not Enter" sign at the point of egress. Please show detail and location of posted signs.
- The ADA accessible parking sign must have the required language per 66-7-352.4C NMSA 1978 "Violators Are Subject to a Fine and/or Towing." Please call out detail and location of HC signs.
- The ADA access aisles shall have the words "NO PARKING" in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the parking space so as to be close to where an adjacent vehicle's rear tire would be placed. (66-1-4.1.B NMSA 1978)
- Please include a copy of your shared access agreement with the adjacent property owner.
- Sidewalks will be required on the property frontage at DRB. No objection to the request.

13. Conditions of Approval from the Hydrology Development Department:

- This project will require a Grading and Drainage Plan addressing the below criteria, the criteria stated in the Development Process Manual, and the design guidelines in Standard Specifications when developing this property. Hydrology Engineer: Renee Brissette, PE CFM
- Beyond 1 0' of a structure, all landscape beds to be depressed below grade. Within 1 0', runoff shall be directed away from the structure.
- All new development projects shall manage the runoff from precipitation which occurs during the 90th Percentile Storm Events, referred to as the "first flush." The Site Plan/Drainage Plan must indicate all areas and mechanisms intended to capture the first flush. For volume calculations, the 90th Percentile storm event is 0.44 inches. For Land Treatment D the initial abstraction is 0.1 ", therefore the first flush volume should be based on $0.44" - 0.1" = 0.34"$ and only consider the impervious areas.
 - State how the first flush will be retained and provide supporting calculations
 - State the area of Land Treatment D on the plan
- The applicant may request a pre-design meeting with the Hydrology Section; a Conceptual Grading and Drainage plan or site plan should be included. Contact either Dana Peterson (dpeterson@cabg.gov) or Renee Brissette (rbrissette@cabg.gov) to set up a pre-design meeting.
- The engineer should research the Master Drainage Plan and/or adjacent sites -essentially practice due diligence prior to meeting. Conceptual Grading and Drainage plans should reference the master drainage plan or other sources that indicate the intended drainage for that area. The applicant should provide excerpts from the supporting documents and/or grading plans.
 - Final Drainage Reports should have an appendix with all supporting documentation.
- When determining allowable discharge from a site:
 - Downstream Capacity is the determining criteria for allowable discharge; historic discharge has no relevance.

OFFICIAL NOTICE OF DECISION

Project #1001440

November 9, 2017

Page 6 of 8

- If a Master Drainage Report planned an allowable discharge for a site, determine if the basis for that discharge is still valid or if conditions have since changed.
- If discharging to the street, determine if the street has capacity. Also determine if the storm drain has capacity.
- If discharging to the back of inlets, determine if doing so will still provide capacity for the discharge from the street.
- All flows must enter a water quality pond/swale before leaving the site or entering the public storm sewer system.

14. Conditions of Approval from the Water Utility Authority Department:

- An availability (170912) is in the process of being executed for this property.
- The Utility Plan submitted with the availability information shows two 1-1/4" services. Please be advised that 1-1/4 service is not a size that is utilized by the Water Utility Authority. Sizes approved for use are as follows: 3/4", 1", 1-1/2", 2", 3", 4", and 6".
- The Utility Plan indicated with the EPC plans differs slightly from that presented with the Availability request. Please contact the Utility Development Section with any changes pertaining to the Utility Plan as the development process proceeds.

15. Conditions of Approval from the Solid Waste Management Department:

- All New/Proposed Refuse Enclosures Must Be Built to COA Minimum Requirements. Clarify if Proposed Enclosure Wall Material (Plastic Composite) is Flame Retardant. Clarify the Size of New/Proposed Refuse Enclosure, Site Plan (Pg. C1) Indicates Single Enclosure, But (Pg. G2.0) Indicates Specs. For a Double Enclosure.

16. Conditions of Approval from the Public Service Company of New Mexico:

- It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
- It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Contact:

Andrew Gurule, PNM Service Center
4201 Edith Boulevard NE, Albuquerque, NM 87107
Phone: (505) 241-0589

- Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at www.pnm.com for specifications.

17. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.

OFFICIAL NOTICE OF DECISION

Project #1001440

November 9, 2017

Page 7 of 8

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **NOVEMBER 27, 2017**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.


For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

Sincerely,


for Suzanne Lubar
Planning Director

OFFICIAL NOTICE OF DECISION

Project #1001440

November 9, 2017

Page 8 of 8

SL/CS

cc: Tierra West, LLC, 5571 Midway Park Pl. NE, ABQ, NM 87109
Palo Alto, Inc. 924 West Colfax Av. Suite 302, Denver, CO 80204
Los Volcanes NA, Ted Trujillo, 6601 Honeylocust Av NW, ABQ, NM 87121
Los Volcanes NA, Doug Cooper, 6800 Silkwood Ave NW, ABQ, NM 87121
SW Alliance of Neigh. SWAN, Jerry Gallegos, 6013 Sunset Gardens SW, ABQ, NM 87121
SW Alliance of Neigh. SWAN, Johnny Pena, 6525 Sunset Gardens SW, ABQ, NM 87121
West Mesa NA, Steven Budenski, 5732 La Anita Ave NW, ABQ, NM 87105
West Mesa NA, Frank Gonzales, 9024 Santa Catalina Ave. NW, ABQ, NM 87105
Westside Coalition of Neigh. Assoc. Harry Hendriksen, 10592 Rio Del Sole Ct. NW, ABQ, NM 87114
Westside Coalition of Neigh. Assoc. Gerald Worrall, 1039 Pinatubo Pl. NW, ABQ, NM 87120